

### REMARKS

This paper responds to the Examiner's Advisory Action mailed on March 18, 2008.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-46 remain pending in this application.

Applicant requests entry of the prior response.

#### Response to Examiner's Advisory Action

In the Advisory Action dated March 18, 2008, the Examiner maintained his rejection of the claims in the present case, based upon the previously stated grounds. In particular, and with reference to the rejection based upon WO 95/06285 to Petersen (hereinafter, "the Peterson reference") in view of U.S. Publication No. 2002/0107929 to Soussin *et al.* (hereinafter, "the Soussin reference"), the Examiner presently submits that "...a header of the second message *inherently* follows the end of the first message." (Advisory Action at page 3; with emphasis added). Applicants disagree. The Examiner is reminded that to establish inherency:

"...the extrinsic evidence must make clear that the missing descriptive matter *is necessarily present* in the thing described in the reference...[and that]...inherency may not be established by possibilities or probabilities. The mere fact that a certain thing may result from a certain set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745; 49 USPQ2d 1949, 1950-51. (Emphasis added).

The Examiner is further reminded that there must be some disclosure of the unstated limitation in the cited reference:

"...inherent disclosure is appropriate *only* when the reference discloses prior art *that must necessarily include the unstated limitation* [or the reference] cannot inherently anticipate the claims." *Transclean Corp. v. Bridgewood Servs., Inc.*, 290 F.3d 1364, 1373 (Fed. Cir. 2002). (Emphasis added).

In the present instance, Applicants submit that the Examiner cannot claim that the header of the second message follows the end of the first message based upon any teaching present in either reference, or that the matter is necessarily present, let alone

possible, or probable. Further, Applicants submit that the Examiner cannot claim that either of the references (either singly, or in any motivated combination) necessarily disclose the unstated limitation. Accordingly, if the Examiner is presently relying on an inherency argument, Applicants invite the Examiner to specifically point out in the cited references where the support for his inherency argument may be found.

The Examiner also asserts that the claims fail to recite a limitation allegedly not present, but nevertheless argued. Applicants again disagree. For example, and referring now to the specific claim language in claim 1, this distinction will be particularly pointed out. Claim 1 presently recites: “An electronic system comprising...a processor...and...multiple memory modules...wherein each of the multiple memory modules is a data source, and a memory module of the multiple memory modules...determines that *first source data and second source data are available...generates a header for at least one of the first source data and the second source data...and...sends, over the communications bus and during a data block transmission period, the at least a portion of the first source data within the first section of the data block, and the at least a portion of the second source data within the second section of the data block, wherein the header is positioned between the at least some of the first source data and the at least some of the second source data.*” (Emphasis added). Based upon the foregoing, Applicants respond that the claims do, in fact, presently recite that a header may be positioned within data blocks.

Applicants further argue that other patentable distinctions are present, which distinguish the present claims from the Peterson and Soussin references, and also from the applied references of record. Accordingly, Applicants again respectfully submit that claims 1-42 are presently allowable.

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Title: METHOD AND APPARATUS FOR SENDING DATA FROM MULTIPLE SOURCES OVER A COMMUNICATIONS BUS

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

2 April '08

By



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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of April, 2008.

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Signature

